

ATTORNEY DOCKET NO.: SP00-140B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mayolet, et al

Serial No: 10/723,372

Filed: November 25, 2003

For: FLUORIDE CRYSTALLINE
LITHOGRAPHY LENS ELEMENT
BLANK

Examiner: John M. Hoffmann

Group Art Unit: 1731

TERMINAL DISCLAIMER

PURSUANT TO 35 U.S.C. § 253 AND 37 C.F.R. § 1.321(a)

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Walter M. Douglas, an attorney of record for the above-captioned application,
hereby declare that:

The present Application No. 10/723,372, filed November 25, 2004, is a division of
U.S. Patent No. 6,699,408, formerly Application No. 10/122,266, filed April 11, 2002.

To the best of my knowledge and belief, Corning Incorporated, duly organized
under the laws of the State of New York and having its principal place of business at
Riverfront Plaza, Corning, New York 14831, is the only assignee of the entire right, title
and interest in and to the above-identified application, Serial No. 10/723,372, filed
November 25, 2003 (11/25/2003) for FLUORIDE CRYSTALLINE LITHOGRAPHY
LENS ELEMENT BLANK, in the name of Corning Incorporated, as indicated by
assignment(s) duly recorded in the United States Patent and Trademark Office at Reel No.
011736, Frame Nos. 0133, recorded April 16, 2001 and is and at all times was the only
assignee of application Serial No. 10/122,266, filed April 11, 2002 (now U.S. Patent No.

Revised: March 7, 2000

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6,699,408), for METHOD OF MAKING A FLUORIDE CRYSTALLINE OPTICAL LITHOGRAPHY LENS ELEMENT BLANK in the name of Corning Incorporated, as indicated by assignment(s) duly recorded in the U.S. Patent and Trademark Office at Reel No. 011736, Frame No. 0133, recorded April 16, 2001.

Both the above cases are divisional application based on the parent case file as U.S. application Serial No. 09/835451, Now U.S. Patent No. 6,395,657. The assignment is also duly recorded in the U.S. Patent and Trademark Office at Reel No. 011736, France No. 0133, recorded April 16, 2001.

I further represent that I have reviewed the evidentiary documents establishing the assignments and certify, that to the best of my knowledge and belief, title to the above-identified application and the United States Patent No. 6,699,408 are in Corning Incorporated.

To obviate a double patenting rejection, Petitioner, Corning Incorporated, hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 10/723,372, which would extend beyond the expiration date of the full statutory term including any extensions of the original term, of Patent No. 6,699,408, issued on May 2, 2004. As used herein, the term "extension" includes the increase in the current seventeen year term of patents under the Uruguay Round Agreement Act, which provides that the term of patents in force on June 8, 1995, extends to the longer of 20 years from the patent's filing date or 17 years from its issue date. Petitioner hereby further agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,699,408, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.


failure to pay a maintenance fee, a holding of unenforceability, a holding of invalidity, the filing of a statutory disclaimer in whole or in part under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a), or cancellation of all claims by a reexamination certificate.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is authorized by Corning Incorporated to be charged as well as any additional fees due in connection with the filing of this response to our Deposit Account No. 03-3325. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee Corning Incorporated.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 5 October 2005

By: 
 Walter M. Douglas
 Reg. No.: 34,510
 Corning Incorporated
 Patent Department
 SP-TI-3-1
 Corning, NY 14831
 Tel.: (607) 974-2431

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, Alexandria, VA 22313-1450 on	
<u>5 October 2005</u>	
Date of Deposit	
<u>Walter M. Douglas</u>	<u>5 OCT 2005</u>
Signature	